

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

RACHEL JOHNSON,

Plaintiff,

v.

YAHOO! INC.,

Defendant.

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Case No. 14-cv-2028

U.S. District Judge Manish S. Shah

Magistrate Judge Jeffrey Cole

**DEFENDANT YAHOO! INC.'S CLARIFICATION REGARDING  
ORDER PARTIALLY SHIFTING COSTS OF CLASS NOTICE**

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Although it respectfully disagrees with the Court's decision to shift the costs of the notice of decertification, Yahoo is not seeking reconsideration of that ruling. (Dkt. 343 at 1.) Nevertheless, Yahoo provides this submission because it wishes to correct the record on one important point: Yahoo's counsel could not have "announced its analysis of and plan for the Sprint data" at the August 2016 status conference (*id.* at 2 & n.2), because at that time, it did not yet have that analysis of the Sprint data.

In August 2016, counsel advised the Court that they had conducted a preliminary review of the new Sprint data (*see* Dkt. 242 at 14), focusing primarily on the notice issues that were being briefed at the time, but also addressing the impact of that data on Yahoo's anticipated motion for decertification. (Dkt. 245 at 20:10, 20:25 (new Sprint data was "equally important for both" class notice and decertification).) A couple weeks after the August hearing, on September 14, 2016, Sprint's designee clarified the data during a deposition. In the following months, Yahoo's engineers undertook the significant and time-intensive project of formulating, writing, and running custom computer codes to cross-reference Yahoo's sizeable user database with the data and clarifying information Sprint had provided. Yahoo also requested additional discovery to identify the users of the telephone numbers that were sent Welcome Messages, which if granted, would have provided more data for what ultimately became Yahoo's name search. (*See* Dkt. 272 at 2–3.) Accordingly, Yahoo wishes to clarify that the analysis of the Sprint data that Yahoo provided in support of its decertification motion was not developed until after the August 2016 conference. And although it cannot share the details of confidential client communications or attorney work product, Yahoo wishes to assure the Court it did *not* withhold any non-privileged information from the Court at the August 2016 hearing or thereafter.

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Dated: November 28, 2018

**YAHOO! INC.**

By: /s/ Christopher Chorba  
Christopher Chorba

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**CERTIFICATE OF SERVICE**

I, Christopher Chorba, an attorney hereby certify that on November 28, 2018, I caused Defendant Yahoo!, Inc.'s Clarification Regarding Order Partially Shifting Costs Of Class Notice to be filed electronically with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Christopher Chorba